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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

BRUGIDOU et al

Atty. Ref.: 1721-41; Confirmation No. 4353

Appl. No. 10/018,433

TC/A.U. 1648

Filed: December 20, 2001

Examiner: BROWN, Timothy M.

For: MEANS FOR IDENTIFYING A NOVEL CLASS OF GENES RESISTANT TO THE  
RICE YELLOW MOTTLE VIRUS AND THE LOCUS OF A MAJOR GENE OF  
RESISTANCE TO THE VIRUS, AND THEIR APPLICATIONS

\* \* \* \* \*

**July 18, 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST**

The Examiner is requested to obtain a certified copy of the priority document FR 9907831 from the International Bureau in the event further search of the Patent Office continues to indicate that a certified copy of the priority document is not contained in the Patent Office records. Specifically, the applicants note that the Notification of Missing Requirements dated January 31, 2002, indicates the Patent Office received the priority document from the International Bureau. This is contrary to the Examiner's comment made on page 2, paragraph 2 of the Office Action dated July 12, 2005. The Examiner does not appear to require an English translation of the priority document, under 35 USC 119(d)3. The Examiner appears to only indicate that a certified copy of the priority document is not contained in the Patent Office files.

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The applicants submit however that the applicants should not be required to provide a further copy of the priority document. See, PCT Rule 17.2(a) ("no such Office shall ask the applicant himself to furnish it with a copy."). The present Request is not being filed in response to the Office Action of July 12, 2005, but rather in an attempt to correct a perceived error in the Office Action.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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